



Appeal Decision

Site visit made on 1 August 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 September 2025

Appeal Ref: APP/P1750/W/25/3364218

Jewson, Unit 1, 106 Hawley Lane, Farnborough GU14 8JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act (as amended) for development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Stark Building Materials UK Ltd against the decision of Rushmoor Borough Council.
 - The application Ref is 24/00712/REVPP.
 - The application sought planning permission for Change of use of site from Light industrial / office use (E Commercial Use Class) to Builders Merchant (sui generis) for the display, sale and storage of building supplies with outside display and storage areas including racking, and a trade counter and sales area, and external alterations to facilitate that use, comprising 4 roller shutter doors recladding of front and side elevations and installation of solar roof panels at Unit 1, 106 Hawley Lane, Farnborough GU14 8JE without complying with conditions 2 and 4 attached to planning permission Ref: 24/00460/FULP.
 - Condition 2 states the permission hereby granted shall be carried out in accordance with the following approved drawings. Drawing numbers: FAR019S Proposed site layout, FAR021 Location Plan, FAR005 Existing site layout, FAR001 Existing floor plans, FAR016 Existing building elevations, FAR022 Existing roof plan, FAR021 Block Plan, FAR017d proposed elevations, FAR018a Proposed floor plans, FAR023a Proposed roof plan.
 - The reason given for the condition is to ensure the development is implemented in accordance with the permission granted.
 - Condition 4 states that materials shall not be stacked or deposited in any external area to a height of more than 2.4m.
 - The reason given for the condition is to ensure a satisfactory external appearance.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of site from light industrial / office use (E Commercial Use Class) to Builders Merchant (sui generis) for the display, sale and storage of building supplies with outside display and storage areas, including racking, and a trade counter and sales area, and external alterations to facilitate that use, comprising 4 roller shutter doors, recladding of front and side elevations and installation of solar roof panels at Unit 1, 106 Hawley Lane, Farnborough GU14 8JE in accordance with the terms of the application, REF 24/00712/REVPP, without compliance with conditions 2 and 4 previously imposed on planning permission Ref: 24/00460/FULP and subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The appellant advises that the initial decision notice did not provide reasons for refusal. A subsequent decision notice was later issued, which included reasons for refusal. Although the circumstances surrounding this are unclear, I am satisfied that the Council has ultimately communicated the reasons for refusal, and the appellant has had sufficient opportunity to address them within their appeal submissions.

Background and Main Issue

3. Condition 4 of Planning permission Ref: 24/00460/FULP allows for the stacking of materials in the external areas of the site up to a maximum of 2.4 metres (m) in height. The appeal proposal seeks to vary condition 4 and allow for stacking of materials in racking up to 5.5m in height in two external areas within the site. The appellant states that the increased racking height is required as part of their business model to maintain an efficient and viable long-term operation at the site and meet the needs of its customers.
4. The Council object to the proposed increase in racking height on the grounds that it would have an unacceptable visual impact on the character and appearance of the site and wider area, which is identified as forming part of a gateway to the area. Therefore, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site consists of a building, yard, and parking area that is being used as a building supplies merchant, situated off Hawley Lane, Farnborough. The site is designated as part of the Hawley Lane Locally Important Employment Site within the Rushmoor Local Plan 2014-2032 (adopted 2019) (RLP) where the principle of employment uses is acceptable.
6. The site is identified as being in Area 2 – Blackwater Valley – Frimley Interchange in the Council's Landscape Area Character Assessment 2009 update (LACA). The LACA sets out that the strategy for this area is to strengthen its role as a gateway to the borough. The character where the appeal site is situated comprises employment uses to the north and residential areas to the south and west of Hawley Lane. Buildings in the employment area are set back from Hawley Lane behind more open frontage areas comprising parking, landscaping and storage. The residential areas to the south and west are set behind dense and mature trees.
7. In granting planning permission Ref: 24/00460/FULP, the Council has accepted the principle of stacking various and different materials on the external parts of the site up to 2.4m in height. I observed on my site inspection that the existing storage of materials to this height does not appear untidy or out of place with the commercial character of the site and surrounds. The frontage parts of the employment area, whilst open in the sense they do not contain buildings, are well used with a range of parking and supporting employment activity. This contributes to the employment area appearing as a busy and distinctly commercial use of land.
8. In assessing visual impact of the proposal in this context, I have considered all information before me including the Landscape and Visual Assessment (LVIA). Firstly, I find that the LVIA is proportionate to the scale of the proposal and that the receptors identified are reasonable locations from which the impact of the proposal

can be assessed. I am also satisfied that the LVIA adequately demonstrates that the site and immediate surrounds is an area with a relatively low landscape value given its commercial and industrial character and appearance. This is also evident when viewing the site and surrounds on the ground as I did from my site inspection.

9. The 5.5m high racking would be limited to two defined locations within the site as opposed to being proposed across all the external areas. One is the central racking location that would comprise three bases positioned centrally to the front of the building and set back from the frontage with Hawley Lane. The other is a single racking base immediately abutting the building's southeastern elevation.
10. The central racking would be visible from Hawley Lane around the site's entrance and when coming past the site from the south. There would also likely be glimpsed views of the racking from the residential properties to the south and west. However, views of the racking from these receptors would be partially obscured by the landscaping and other boundary treatment that exists on the frontage. The racking when seen would also be read in conjunction with site's building that is located behind where the three central bases would be positioned. When these factors are considered together with the racking being set back into the site, it would not appear as being unduly prominent or an uncharacteristic feature from these receptors given the commercial character of the site and its surrounds.
11. The central racking height would be more prominently visible when viewed from the northwest further back on Hawley Lane due to the frontage areas in front of the buildings being more open in this direction. However, this view is also framed by the larger buildings that exist behind the site at Chancerygate. These buildings are the dominant feature of the landscape character when looking across the site from this direction to where the central racking would be located. Moreover, the existing scenic quality of the landscape in this direction is not particularly high and appears as a working and busy employment area. The racking, whilst visible, would therefore be read in conjunction with, and sit below the height, of existing commercial buildings and as such would not appear as unduly uncharacteristic or out of place.
12. The central and southeastern racking would be visible from Chancerygate and the Public Right of Way (PROW) that runs from Hawley Lane to the north. The southeastern racking would simply be viewed from these receptors as a subservient feature immediately abutting the larger application site building that exists and already frames the existing views. The central racking would also be visible from Chancerygate but needs to be considered in the context of the overall landscape quality when looking out across the employment area being relatively low, the existing storage that can already be seen and racking as proposed not being an uncharacteristic feature for an existing builder supplies merchant yard.
13. I have also considered the Council's photographic evidence of similar sized racking elsewhere. These serve to demonstrate that racking and storage of materials elsewhere of a similar height is not an unusual or uncomplimentary activity for a builder supply merchant within an employment area. I also observed that the existing storage of materials at the site appears tidy, ordered and neat. There is no evidence before me that indicates that this would materially change by the proposed increase in height. I am, therefore, not persuaded that the examples of racking elsewhere provide compelling justification that the proposal would have an unacceptable visual impact given the site-specific context in this case.

14. After careful consideration of all relevant information, I find that the proposed increase in racking and storage of materials to 5.5 metres, limited to two specific and designated areas within the site, would not result in a materially harmful visual change to the character or appearance of the locality, nor would it undermine the Council's strategy for Area 2 as outlined in the LCA.
15. I do agree, however, that the racking should be limited and controlled only to the heights and areas shown on the information before me. Controlling racking in this way as suggested by the Council would also enable them to consider any further changes to racking and storing of materials afresh in terms of impact on the character and appearance of the area. I am satisfied that this could be achieved by suitably worded conditions, which I discuss later in this decision.
16. In conclusion, the proposal with conditions would not result in material harm to the character and appearance of the area over and above what has already been approved and accords with Policy DE1 of the RLP, which requires high quality design that has factored in the wider, existing context into proposals through analysis of aspects such as surrounding uses, scale, massing and layout. The proposal also accords with Policy PC1 of the RLP and relevant sections of the Framework both of which seek to support economic growth in appropriate locations.

Other matters

17. I am aware an objection raised concerns over lack of information regarding floorspace and employees, whether sufficient parking is proposed, congestion and impacts on highway safety and the need for a construction management plan. These matters were, however, all considered in the assessment of the previous planning permission and found to be acceptable or resolved by conditions where appropriate. There is no information before me that would justify me coming to a different view to the Council on these other matters and I do not need to consider these matters further in this decision.

Conditions

18. I have considered conditions having regard to paragraph 57 of the Framework and Planning Practice Guidance. As the development has been implemented, I do not need to attach the standard time limit condition. I agree with the Council that all the other conditions from the previous planning permission should be re-attached. I have also included the Council's suggested condition to make clear the stacking of materials cannot take place outside of the areas identified on the approved plans. I have also amended condition 4 to make clear where on the site stacking can take place up to 2.4m or 5.5m. These conditions are necessary to provide clarity on what has been approved and to protect the character and appearance of the area.

Conclusion

19. For the reasons given above and considering all matters raised, the development with condition accords with the development plan and the appeal is allowed.

N Perrins

INSPECTOR

Schedule of Conditions

1. The permission hereby granted shall be carried out in accordance with the following approved drawings. Drawing numbers: (i) Location and Block Plan Drawing Number: FAR021, (ii) Proposed Site Layout Drawing Number: FAR019M, (iii) Existing site layout Drawing Number: FAR005, (iv) Existing floor plans Drawing Number FAR001, (v) Existing building elevations Drawing Number: FAR016, (vi) Existing roof plan Drawing Number: FAR022, (vii) Proposed floor plans Drawing Number: FAR018a, (iv) Proposed elevations Drawing Number: FAR017d, and (v) Proposed roof plan Drawing Number: FAR023a.
2. The primary use of the site shall be restricted to a builders' merchant (*sui generis* use) and shall be used for no other purpose. Any retail sales shall be ancillary to the primary use of the site as a builders' merchant.
3. Building materials shall not be stored outside of the areas shown for storage of materials on approved Proposed Site Layout Drawing Number Ref: FAR019M.
4. The height of materials stacked or deposited in the external areas of the site shall not exceed 2.4m in height in the areas shown coloured green on approved Proposed Site Layout Drawing Number Ref: FAR019M. The height of materials stacked or deposited in the central and southeastern cantilever and pallet racking bases in the locations as shown on approved Proposed Site Layout Drawing Number Ref: FAR019M and Figure 1 of the submitted Landscape and Visual Assessment dated February 2025 shall not exceed 5.5m.
5. The external materials of the development hereby approved shall be that as set out on the approved plans, unless otherwise approved by the Local Planning Authority.
6. The screen and boundary fencing of the development hereby approved shall be that as set out on the approved plans, unless otherwise approved by the Local Planning Authority.
7. No machinery shall be operated and no deliveries to be made to or dispatched from the site outside the following times: 06:00 to 23:00 hours Mondays to Fridays, and 07:30 and 17:00 hours on Saturdays, Sundays and public holidays.
8. Any scaffold to be erected within 10m of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting must be installed.
9. Prior to the proposed use hereby commencing, the following flood resilience and mitigation measures shall be implemented, and thereafter retained:
 - Occupant to sign up to the Environment Agency's Flood Warning Service
 - Plug sockets and electrical equipment stored at 1m above floor level
 - Existing surface water drains on site jetted and cleared and any remediation work required to be undertaken
10. The development hereby approved shall not come into use until the parking facilities shown on the approved plans shall have been completed and made ready for use. The parking facilities shall be thereafter retained and used solely for parking.

11. Notwithstanding the plans hereby approved, the proposed cycle parking facility approved on the site shall accommodate a minimum of 5 cycles spaces and these shall be secure and weatherproof.
12. No mezzanine floor or similar alteration shall be carried out without the express planning permission of the Local Planning Authority.